

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

**PROPERTY-OWNERS INSURANCE)
COMPANY,)**

Plaintiff,)

v.)

CASE NO: 1:15-cv-87-PPS-SLC

**VIRK BOYZ LIQUOR STORES, INC.,)
d/b/a KPC Liquor Stores, Inc.; KPC)
LIQUOR STORES, INC., d/b/a Stein)
Tavern; TERRY J. WOODS; and)
DWAYNE E. RUSSELL,)**

Defendants.)

OPINION AND ORDER

This case was filed in this Court on April 15, 2015, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (DE 1). The complaint alleges that Plaintiff Property-Owners Insurance Company is a Michigan corporation with its principal place of business in Michigan; that individual Defendants Terry Woods and Dwayne Russell are each citizens of Indiana; and that “Defendant Virk Boyz Liquor Stores, Inc., d/b/a KPC Liquor Stores, Inc., KPC Liquor Stores, Inc. d/b/a Stein Tavern . . . is an Indiana corporation . . . with a principal place of business in . . . Indiana.” (DE 1 at ¶ 2).

The complaint, however, is inadequate because it fails to properly allege the citizenship of the two non-individual Defendants. As the party seeking to invoke federal diversity jurisdiction, Plaintiff bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop’n Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997).

First, the caption and introductory paragraph of the complaint identify two separate entities, Virk Boyz Liquor Stores, Inc., and KPC Liquor Stores, Inc., but the diversity allegation in paragraph 2 refers to just a singular entity. Such a diversity allegation, of course, is deficient and must be amended.

Second, attachments to the complaint refer to “Virk Boyz Liquor Stores, LLC,” rather than Virk Boyz Liquor Stores, Inc., suggesting that Virk Boyz is a limited liability company, not a corporation. (DE 1-3; DE 1-4; DE 1-5). This distinction is important because for purposes of establishing diversity jurisdiction, a limited liability company’s citizenship is different than that of a corporation. Corporations “are deemed to be citizens of the state in which they are incorporated and the state in which they have their principal place of business.” *N. Trust Co. v. Bunge Corp.*, 899 F.2d 591, 594 (7th Cir. 1990) (citing 28 U.S.C. § 1332(c)(1)). Conversely, a limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998).

Therefore, if Virk Boyz is actually a limited liability company, the Court must be advised of the identity of each of its members, and such member’s citizenship. *Hicklin Eng’g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006); *see generally Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 59 (7th Cir. 1996) (explaining that the court would “need to know the name and citizenship(s)” of each partner for diversity jurisdiction purposes). Moreover, citizenship must be “traced through multiple levels” for those members who are a partnership or a limited liability company, as anything less can result in a remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Accordingly, Plaintiff is ORDERED to supplement the record by filing an amended

complaint on or before June 1, 2015, that properly alleges each Defendant's citizenship.

SO ORDERED.

Enter for this 18th day of May, 2015.

s/ Susan Collins

Susan Collins,
United States Magistrate Judge